

**REMARKS**

The present invention allows a user to conveniently and safely exchange money for game tokens which can be used for gaming machines without overflowing a container used to store the game tokens. (¶¶ 0004; 0006) The present invention also includes a chassis 12 which enables the game tokens to remain relatively secure until they are appropriately dispensed to the container which can be retrieved by entry of the user's hand into an exit opening located within the chassis 12.

The Office Action rejected Claims 1-2, 4-7, 9-10, and 12 under 35 U.S.C. § 102(b) as being anticipated by *Archer et al.* (U.S. 5,522,512).

[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference's teaching that every claim [limitation] was disclosed in that single reference.

*Dayco Prods., Inc. v. Total Containment, Inc.*, F.3d 1358, 1368 (Fed. Cir. 2003).

*Archer* is directed towards a system and method for automatically feeding, inspecting and diverting tablets for continuous filling of tablets. (Abstract)

*Archer* does not teach or suggest "a game token dispensing unit including a storage member for storing game tokens for use with gaming machines." Tablet hopper 11 only stores tablets and not game tokens. Furthermore, there is no indication that the tablets are used for gaming machines. The tablets are ingestible tablets such as vitamins or medication as indicated by the use of FDA acceptable belts and FDA approved clear PVC overlay. (Col. 5, Ins. 60 – 65) FDA is commonly known to stand for the U.S. Food and Drug Administration.

In contrast, in the present invention, token dispensing unit 18 includes a storage member for storing tokens. (¶ 0018). The tokens are game tokens which are used in gaming machines. (¶ 0004).

Furthermore, *Archer* does not teach or suggest “a housing unit storing the game token dispensing unit, the game token selector unit, the container dispensing unit, the first sensor unit, the second sensor unit, the first control means, and the second control means, the housing unit including a portion defining an opening allowing a user to access the first container when the first container is released from the container storage unit.”

As shown in Figure 7, there is no housing unit within *Archer's* invention that stores a game token dispensing unit, a game token selector unit, a first sensor unit, a second sensor unit, a first control means, and a second control means. In *Archer*, the components cited by the Office Action are laid out in a factory without any housing unit to store the components. Furthermore, *Archer* also does not recite that a portion of the housing should have an opening to allow a user to access the first container when the first container is released from the container storage unit.

In contrast, the present invention includes a chassis 12 which stores the components of the present invention such as the token dispensing unit 18 and the container dispensing unit 22. (¶¶ 0018-19; Fig. 1) Furthermore, the chassis 12 includes an opening allowing a user to retrieve a container from the dispensing section 24. (¶ 0038; Fig. 1).

The Office Action also rejected Claims 1-9 and 12 under 35 U.S.C. § 103(a) as being *Archer* in view of *Lahteenmaki* (WO 03/056493). The Office Action also rejected Claims 1-2, 4-7, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Williams* (U.S. 6,036,812).

As previously noted above, *Archer* does not teach or suggest “a game token dispensing unit including a storage member for storing game tokens for use with gaming machines” or “a housing unit storing the game token dispensing unit, the game token selector unit, the container dispensing unit, the first sensor unit, the second sensor unit, the first control means, and the second control means, the housing unit including a portion defining an opening allowing a user to access the first container when the first container is released from the container storage unit.”

However, neither *Lahteenmaki* nor *Williams* disclose “a game token dispensing unit including a storage member for storing game tokens for use with gaming machines.”

*Lahteenmaki* is directed towards a nutrition dispenser dispensing doses of nutrition and/or medication. (Abstract).

Thus, *Lahteenmaki* does not disclose that game tokens should be stored or dispensed. More specifically, *Lahteenmaki* does not disclose that game tokens for use with gaming machines should be stored or dispensed.

*Williams* is a pill dispensing system including a shelving unit in array form that holds a number of bulk containers, each holding a bulk amount of a pill to be dispensed. (Abstract). *Williams* is directed towards medical pills such as pills which need to be filled for a medical prescription. (Col. 1, lns. 19 – 36). Thus, there is no indication in *Lahteenmaki* that game tokens should be used and more particularly game tokens which are used for gaming machines.

*Lahteenmaki* and *Williams* also do not recite “a housing unit storing the game token dispensing unit, the game token selector unit, the container dispensing unit, the first sensor unit, the second sensor unit, the first control means, and the second control means, the housing unit including a portion defining an opening allowing a user to access the first container when the first container is released from the container storage unit.”

*Lahteenmaki* discloses a dispenser 100 but does not disclose that the dispenser should include a portion defining an opening allowing a user to access the first container. As seen in Figure 1, the pills are dispensed from mixer 112 to the possible serving dish 114 where the serving dish 114 is located outside of the nutrition dispenser 100. Thus, there is no teaching within *Lahteenmaki* that there should be an opening to access the serving dish 114 because the serving dish 114 is already outside of the nutrition dispenser 100.

Furthermore, *Williams* does not disclose the housing unit of the present invention. As seen in Figure 1, there is no housing unit that encompasses the components of *Williams* or at the very least, the components which hypothetically correspond to the recited claim language of the present invention. Notably, the robotic arm 25 is not enclosed by a housing unit. Also, since *Williams* does not disclose a housing unit, *Williams* also does not disclose the housing unit having an opening to enable a user to access the container.

In contrast, in the present invention, a chassis 12 stores the components of the present invention such as the token dispensing unit 18 and the container dispensing unit 22. (¶ 0018-19; Fig. 1) Furthermore, the chassis 12 includes an opening allowing a user to retrieve a container from the dispensing section 24. (¶ 0038; Fig. 1).

Applicant submits that any combination of references that must be modified beyond their functions is suggestive of an unintended use of hindsight that may have been utilized to drive the present rejection. This is particularly true for an examiner who is attempting to provide a diligent effort that only patentable subject matter occurs. The KSR Guidelines do not justify such an approach. There is still a requirement for the Examiner to step back from the zeal of the examination process and to appreciate that a Patent Examiner has to wear both hats of

advocating a position relative to the prior art while at the same time objectively rendering in a judge-like manner a decision on the patentability of the present claims.

As set forth in MPEP 2142,

To reach a proper determination under 35 U.S.C. §103, the examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in the art” when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention “as a whole” would have been obvious at that time to that person. Knowledge of applicant’s disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the “differences,” conduct the search and evaluate the “subject matter as a whole” of the invention. The tendency to resort to “hindsight” based upon applicant’s disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

All arguments for patentability with respect to Claim 1 are repeated and incorporated herein for Claim 4.

Furthermore, with respect to Claim 4, neither *Archer*, *Lahteenmaki*, nor *Williams* disclose “a container dispensing unit which dispenses a first container for receiving game tokens for use with gaming machines, the container dispensing unit including a container storage unit storing the first container and a second container in a nested manner wherein the second container is stored within a portion of the first container that receives the game tokens, the container dispensing unit further including a container separating unit for releasing the first container from the container storage unit to a dispensing section based on a dispensing signal.”

In *Archer*, there is no indication that the containers are stored in a nested manner and more specifically that they are stored in a nested manner with the second container stored in a portion of the first container that receives the game tokens. The Office Action stated that it

would have been obvious in *Archer* to include a stacked gravity fed container feed so as to store the bottles in a compact space. However, *Archer* only discloses the use of a bottle source 71, but does not describe how the bottles are arranged and more specifically that they should be arranged in a nested manner. (Col. 9, Ins. 35 – 40). Furthermore, as shown in Figure 3, the bottles in *Archer* have a narrow top which prohibits another bottle from being nested within the bottle.

*Williams* discloses the use of shelving units 20 which include receptacles 19 for receiving bulk containers 20. However, there is no indicating that the bulk containers 20 are nested within each other in order to conserve space. As seen in Figure 5, the bulk containers 20 are separated by shelves 18.

*Lahteenmaki* also does not disclose the containers being stored and more specifically that the containers should be stored in a nested manner.

In contrast, as seen in Figure 1 of the present invention, the containers are stored in a nested manner.

With respect to Claim 7, all arguments for patentability with respect to Claims 1 and 4 are repeated and incorporated herein.

*Archer*, *Lahteenmaki*, and *Williams* do not teach or suggest “a container dispensing unit for dispensing a container to the stationary platform to receive the game tokens including a container storage unit for supporting a stack of containers above the stationary platform, the stack of containers including a first container and a second container stored in a nested manner such that the second container is stored within a portion of the first container that receives the game tokens, the container dispensing unit further including and a container separating unit for vertically releasing an individual container and allowing the individual container to drop

downwards by gravity from the container storage unit to the dispensing section to receive a released game token."

The Office Action states that it would have been obvious for *Archer* to include a stacked gravity fed container feeder so as to store bottles in a compact space that is readily available for filling upon demand. However, *Archer* only teaches the use of bottle source 71. (Col. 9, lns. 35 – 40) Furthermore, the bottles used in *Archer* travel in a horizontal manner in the bottle conveyors 113 and 115 as shown in Figure 7. (Col. 18, lns. 7 – 16).

*Williams* also does not teach the features of the present invention. As shown in Figure 11, *Williams* teaches the use of a robotic arm 25 to move pill bottles 50. *Williams* merely provides that "After a pill bottle 50 has been filled with pills 55, it can be removed from the position shown in FIG. 10 and placed on a conveyer 60 as shown in FIG. 11." (Col. 8, ln. 57 – Col. 9, ln. 2). However, there is no specific teaching in *Williams* as to how pill bottle 50 should be placed onto conveyer 60 and more specifically that the robotic arm 25 should release the pill bottle so that the pill bottle can drop onto the conveyer 60 instead of placing the pill bottle 50 onto the conveyer 60 and then releasing the pill bottle 50. Furthermore, while "FIG. 8 is a fragmentary elevational view of the preferred embodiment of the apparatus of the present invention showing the removal of a pill bottle from the pill bottle dispenser by the robotic arm," Figure 8 does not disclose how the robotic arm 25 retrieves the pill bottles 50. (Col. 6, lns. 8 – 11) That is, there is no teaching that the pill bottles are vertically released dropping the pill bottles onto the robotic arm 25.

*Lahteenmaki* does not teach or suggest the features of the present invention as the serving dish 114 is not within the control of the nutrition dispenser 100.

In contrast, in the present invention, a container separation section unit 38 has the capacity of separating the lowermost container 20 and dropping it to a token dispensing section or platform 24 as shown in Figure 1. (¶¶ 0019; 0025).

Neither *Archer*, *Lahteenmaki*, or *Williams* disclose “a housing unit storing the game token dispensing, the operator control panel, the container dispensing unit, the amount detecting unit, , the overflow preventing unit, the first control means, the second control means, and the third control means, the housing unit including a portion defining the exit opening configuration of the dispensing section thereby enabling a user’s hand to access the dispensing section to retrieve the first container.” *Archer* teaches an apparatus for mass packaging pills and there is no indication that it should be a secure stand alone kiosk with an opening that allows a user to retrieve containers as they become filled with coins. This is noted by the open configuration seen in Figure 7 of *Archer*.

*Lahteenmaki* discloses a nutrition dispenser, but there is no teaching within *Lahteenmaki* that the nutrition dispenser should have an opening to enable a user’s hand to grasp the containers which are dispensed and filled with game tokens since *Lahteenmaki* does not disclose a container dispenser. This is visually confirmed from an inspection of Figure 1 where the serving dish 114 is located externally to the nutrition dispenser 100.

Furthermore as is apparent from an inspection of Figure 1, *Williams* also does not teach a secure stand alone kiosk which has an opening to allow a user’s hand to retrieve containers.

In contrast, the present invention is a stand alone kiosk which uses a chassis 12 to secure the game tokens and the containers. The containers are dispensed onto the platform 24 and filled with game tokens which are dispensed to the containers through chute 42. Once the container is filled with game tokens without overfilling the container, the user can retrieve the game tokens in an exit opening in the chassis 12 by placing his hand in the exit opening and grasping the container filled

with game tokens. Thus, the present invention allows a user to retrieve the game tokens in a container in a safe manner while also providing security of the game tokens to prevent unauthorized retrieval of the game tokens.

With respect to Claim 9, *Archer*, *Lahteenmaki*, and *Williams* do not teach or suggest “a means for monitoring a predetermined time period in which a container is at the dispensing section after a removing container signal is displayed.” There is no disclosure within *Archer* that a removing container signal should be displayed. Since *Archer* is a factory for filling bottles with tablets, it would be unnecessary for a signal to be displayed indicating that a bottle should be removed. That is, *Archer* does not care if individual people remove bottles and instead it would actually be detrimental to *Archer* since the system in *Archer* is autonomous and continuous indicating that the motivation in *Archer* is speed. If a user had to manually remove the bottles, then *Archer* would slow down.

Furthermore, the nutrition dispenser within *Lahteenmaki* has a display 104, but there is no indication in *Lahteenmaki* that the display should indicate that the user should remove the serving dish 114. (Pg. 18, Ins. 28 – 32).

Also, *Williams* includes a computer 44, but again *Williams* does not disclose that the computer should indicate that the user should remove the container. In *Williams* the pill bottles are retained on conveyer 60 until a druggist can remove them. (Col. 9, Ins. 5 – 17) There is no indication that a sign signal should be displayed to the druggist that the pill bottles are ready to be removed.

In contrast, in the present invention, display 26 will be provided with a message to urge the user to remove the filled container 20 from the dispensing section 24 based on the removal signal D. (¶ 0038; Figs. 1, 2).

With respect to Claim 12, as previously noted, *Archer*, *Lahteenmaki*, and *Williams* do not disclose "game tokens for use with a gaming machine."

Dependent Claims 2, 3, 5, 6, 8, and 9 depend from and further define independent Claims 1, 4, and 7.

If there are any questions with regards to this matter, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

**SNELL & WILMER L.L.P.**



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